

JUDGE CARTER

12 CIV 8637

2-751225

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

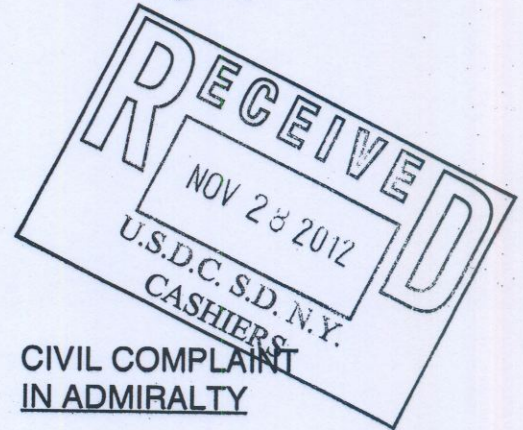
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ZIM INTEGRATED SHIPPING
SERVICES, LTD.,

Plaintiff,

- against -

CONTINENTAL WASTE MANAGEMENT,
INC.,

Defendant.
-----X



Plaintiff ZIM INTEGRATED SHIPPING SERVICES, LTD., by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendant CONTINENTAL WASTE MANAGEMENT, INC., in personam, in a cause of action civil and maritime, alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, the Shipping Act of 1984, as Amended, 46 U.S.C., App. Section 1701, et seq., and Paragraph 24 of the Bill of Lading.

2. At all times hereinafter mentioned, plaintiff ZIM INTEGRATED SHIPPING SERVICES, LTD. was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 5801 Lake Wright Drive, Norfolk, VA 23502.

3. Upon information and belief and at all times hereinafter mentioned, defendant CONTINENTAL WASTE MANAGEMENT, INC. was and still is a corporation organized and existing under the laws of the State of North Carolina, with offices and a place of business at 3000 RDU Center Drive, Suite 102, Morrisville, NC 27560.

4. On or about October 3, 2009, defendant delivered to plaintiff at Norfolk certain goods consisting of six (6) forty-foot Hi-Cube Containers SAID TO CONTAIN: PLASTIC SCRAP, for the purpose of having the goods carried on the Vessel ZIM QINGDAO to Hong Kong, there to be delivered to the consignee and/or its agents, in consideration of payment by defendant to plaintiff of ocean freight and related charges in the amount of \$7,019.00, calculated pursuant to plaintiff's tariff, all as set forth in Bill of Lading ZIMUORF315548 (Exhibit A).

5. Thereafter, the said goods were transported to the ports of destination and delivered to the consignee and/or its agents.

6. On January 6, 2010, defendant reaffirmed its obligation to remit the ocean freight and related charges due (Exhibit B).

7. Plaintiff has performed all duties and obligations required to be performed by plaintiff.

8. Defendant has failed and refused and continues to fail and to refuse to remit the \$7,019.00 due, although duly demanded.

9. By reason of the foregoing, plaintiff has sustained damages in the amount of \$7,019.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

1. For judgment in the amount of \$7,019.00, together with interest from the date due, costs, disbursements, and reasonable attorney's fee.

2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendant citing it to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York
November 28, 2012

LAW OFFICES OF
ALBERT J. AVALLONE & ASSOCIATES

By


Albert J. Avallone - AA1679
Attorneys for Plaintiff
ZIM INTEGRATED SHIPPING
SERVICES, LTD.
551 Fifth Avenue, Suite 616
New York, NY 10176
(212) 696-1760

ANY ARAB COUNTRIES BELIEVED IN) TO THE STATE OF ISRAEL, AND/OR ACTIVELY SUPPORTING THE ARAB BOYCOTT PRIOR TO UNLAWFUL A PORT OF DESTINATION UNLESS IN DISTRESS OR SUBJECT TO FORCE MAJEURE.

2176-017

EXHIBIT "A"

ATTACHED LIST FOR B/L: ZIMUORF315548

VESSEL: ZIM QINGDAO

VOYAGE: 14/W

LOAD PORT: NORFOLK

DISCHARGE PORT: HONG KONG, CHINA

DESTINATION:

MKS & NOS/SEAL.NODESCRIPTION OF GOODSWEIGHTMEASUR.

LBS

FT3

CONT:ZCSU8267101

1 CNT

SEAL: 0881611

/HC40 (CY/CY)

38 BOXES

40' HC CONTAINER SLAC

38 BOXES PLASTIC SCRAP

AES # X20090929016556

10 DAYS FREE TIME AT DESTINATION

ALL FREIGHT PREPAID

ALL DESTINATION CHARGES COLLECT

35,880.000

0.000

SHIPPER'S LOAD STOWAGE & COUNT

CONT TARE WEIGHT: 8597

CONT:ZCSU8496643

1 CNT

SEAL: 0881612

/HC40 (CY/CY)

33 BOXES

40' HC CONTAINER SLAC

38 BOXES PLASTIC SCRAP

AES # X20090929016556

10 DAYS FREE TIME AT DESTINATION

ALL FREIGHT PREPAID

ALL DESTINATION CHARGES COLLECT

32,660.000

0.000

SHIPPER'S LOAD STOWAGE & COUNT

CONT TARE WEIGHT: 8597

CONT:ZCSU8659890

1 CNT

SEAL: 0881616

/HC40 (CY/CY)

20 BALES

40' HC CONTAINER SLAC

38 BOXES PLASTIC SCRAP

AES # X20090929016556

10 DAYS FREE TIME AT DESTINATION

ALL FREIGHT PREPAID

ALL DESTINATION CHARGES COLLECT

31,040.000

0.000

SHIPPER'S LOAD STOWAGE & COUNT

CONT TARE WEIGHT: 8597

CONT:ZCSU8904684

1 CNT

SEAL: 0881614

/HC40 (CY/CY)

48 BLOCK

40' HC CONTAINER SLAC

38 BOXES PLASTIC SCRAP

AES # X20090929016556

10 DAYS FREE TIME AT DESTINATION

ALL FREIGHT PREPAID

ALL DESTINATION CHARGES COLLECT

28,300.000

0.000

SHIPPER'S LOAD STOWAGE & COUNT

CONT TARE WEIGHT: 8597

CONT:ZCSU8241386

1 CNT

SEAL: 04292

/HC40 (CY/CY)

173 PIECES

40' HC CONTAINER SLAC

38 BOXES PLASTIC SCRAP

AES # X20090929016556

10 DAYS FREE TIME AT DESTINATION

ALL FREIGHT PREPAID

ALL DESTINATION CHARGES COLLECT

40,260.000

0.000

SHIPPER'S LOAD STOWAGE & COUNT

CONT TARE WEIGHT: 8597

ATTACHED LIST FOR B/L: ZIMUORF315548

VESSEL: ZIM QINGDAO

VOYAGE: 14/W

LOAD PORT: NORFOLK

DISCHARGE PORT: HONG KONG, CHINA

DESTINATION:

MKS & NOS/SEAL NODESCRIPTION OF GOODSWEIGHTMEASUR.

CONT: ZCSU8749905

1 CNT

SEAL: 03627

/HC40 (CY/CY)

32 PIECES

40' HC CONTAINER SLAC

38 BOXES PLASTIC SCRAP

AES # X20090929016566

10 DAYS FREE TIME AT DESTINATION

ALL FREIGHT PREPAID

ALL DESTINATION CHARGES COLLECT

34,380.000

0.000

SHIPPER'S LOAD STOWAGE & COUNT

CONT TARE WEIGHT: 8597

6 CONT TOT. TARE : 51,588

CARGO W :

202,520.000

CLAUSES:

SHIPPER'S REMARK: THESE COMMODITIES, TECHNOLOGY OR
SOFTWARE WERE EXPORTED FROM THE UNITED STATES IN
ACCORDANCE WITH THE EXPORT ADMINISTRATION
REGULATIONS.
DIVERSION CONTRARY TO U.S. LAW IS PROHIBITED.



January 6th, 2010

ZIM American Integrated Shipping Services
5801 Lake Wright Drive
Norfolk, VA 23502

Attention: Accounts Receivable Department

**RE: BKG# ORF308639/1, VESSEL /VOY: ZIM QINGDAO/14W AND ORF310547/1 ,
VESSEL /VOY : NYK DEMETER /11W
ON BOARD: ORF308639/1 - 10/3/09 AND ORF310547/1 -11/01/09**

We, the undersigned, hereby agree to pay prepaid charges for the Booking ORF308639/1,
B/L # ZIMUORF315548 in the amount of US\$7,019.00 and Booking ORF310547/1 ,
BL # ZIMUORF317615 in the amount of US\$2,363.00 for a subtotal of US\$9,382.00 less
monies already paid of US\$2,000.00 for a total of US\$7,382.00 on behalf of the
Shipper CONTINENTAL WASTE MANAGEMENT LLC .

SIGNATURE: Ketki U. Patel

NAME: Ketki U. Patel
DESIGNATION: Member

EXHIBIT "B"